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List of Legal Questions/Concerns Allied Landfill OU-1 and Surrounding Properties

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Detailed below are questions and concerns generated by the small group comprised of representatives from the EPA, MDEQ and City of Kalamazoo charged with developing a "hybrid" redevelopment proposal for the Allied Landfill OU-1 and several surrounding properties. Please note that these questions are not listed in any particular order of importance or timing related to when they need to be addressed.

1. What is required for and what processes need to be followed for the City of Kalamazoo (or related Authority) to become a bona-fide prospective purchaser (after remedy implementation) of the Allied Landfill OU-1 site?
2. How will any ongoing or future liability issues be addressed by both the State and EPA regarding Allied Landfill OU-1? Regarding the Panelyte property?
3. If the City obtains ownership of the Panelyte site, how will access issues (both legal and practical) be addressed?
4. Overall ownership and due care issues related to the Allied Landfill OU-1 and other adjacent properties, including Panelyte:
 - a. How will ownership, access, due care and other issues be addressed for both on an interim basis during the remediation as well as post-remediation?
 - b. The EPA (or MDEQ) will maintain continuity of groundwater monitoring for Allied Landfill OU-1 and the adjacent properties. What agreements, deed restrictions, or other instruments will be needed to ensure ongoing access for monitoring as well as other due care issues? *access agreement - long term. or partial agreement.*
 - c. What will be the ongoing Bankruptcy Trustee involvement both in the interim period of remedy implementation as well as post-remedy implementation? *depends*
 - d. The impacted sites will likely be divided into non-PCB contaminated properties (i.e., cleaned up properties) and properties that will contain PCB-contaminated materials. How will these questions impact these two major categories of properties involved? Will interim removal actions that provide for clean up of properties make them available for reuse/redevelopment prior to final remedy

implementation across all the properties? Will such properties be "delisted"?

- e. How will easements (for utilities, roadways, railways, access, etc...) be constructed given due care issues and access issues? Will such easements be available during interim removal actions?
 - f. When materials (both contaminated as well as clean materials) are removed and wetlands created during the interim removal actions, what regulations (both state and federal) will apply for creation/removal of such wetland areas? In other words, will wetlands created during the removal action be able to be filled in for potential redevelopment purposes? What constraints and regulations will apply in these situations?
 - g. What working agreements/mechanisms for partnerships among the interested parties are needed, if any, as we move forward with this process?
5. A variety of other concerns and issues were raised in relation to the need for deed restrictions, how would proper notifications be made for remediated parcels when sold or leased, and the need for copies of key documents that may control or impact the site such as the bankruptcy agreement.

The small group recognizes that some of these questions may or may not be easily answered at this stage of the process. Involvement of attorneys from the federal, state and local level will be necessary to sort out these and other issues that will certainly arise.

How can we accept Flyash from Performance paper to be placed on Allied? If it gets an inert designation, is it possible?

